

HOUSE No. 463

By Mr. Flynn of Bridgewater, petition of David L. Flynn and others
relative to the oversight of disability pension benefits. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

David L. Flynn
Joyce A. Spiliotis

Paul J. Donato
Colleen M. Garry

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE OVERSIGHT OF DISABILITY PENSION BENEFITS.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subdivision (1) of section 8 of chapter 32 of the
2 General Laws, as appearing in the 2002 Official Edition, is hereby
3 amended by striking the third sentence and inserting in place
4 thereof the following sentence:— Any member, however, who has
5 been retired for disability under the provisions of section six or
6 seven for more than ten years shall be excused from any further
7 evaluations unless the member submits a written request for such
8 evaluation.

1 SECTION 2. Paragraph (a) of subdivision (2) of section 8 of
2 said chapter 32, as so appearing, is hereby amended by inserting
3 at the end of the first and second subparagraphs thereof the
4 following sentence:—
5 If the similar position shall pay less than the position from
6 which such member shall have retired, such member shall be
7 granted an amount from the department to which he is returned
8 equal to the difference between the regular compensation of the
9 position to which the member is restored and the regular compen-
10 sation the member would have received had he been restored to
11 the position from which he retired.

1 SECTION 3. Subdivision (2) of section 8 of the said chapter 32,
2 as so appearing, is hereby further amended by inserting the
3 following new paragraph:—

4 (e) Any person aggrieved by an action taken or determination
5 made pursuant to this section may appeal to the Contributory
6 Retirement Appeal Board.

1 SECTION 4. Subdivision (3) of section 8 of said chapter 32, as
2 so appearing, is hereby amended by striking out the words “retire-
3 ment allowance”, as it appears, and inserting in place thereof, in
4 each instance, the following word:—
5 pension.

1 SECTION 5. Section 91A of said chapter 32, as so appearing,
2 is hereby amended by striking out the words “retirement
3 allowance”, as so appearing, and inserting in place thereof, in
4 each instance, the word:— pension.

1 SECTION 6. Section 91A of said chapter 32, as so appearing,
2 is hereby further amended by inserting at the end thereof the
3 following new sentence:—
4 For purposes of this section, earnings from earned income
5 means compensation earned for performing personal services
6 actually performed, including wages, salaries, fees, commissions
7 or gratuities, or similar income.